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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,933	03/30/2004	Nicholas I. Buchan		7929
G. Marlin Knig	7590 04/29/200 <b>ht</b>	EXAMINER		
Hoyt & Knight			JOHNSON, CONNIE P	
PO Box 1320 Pioneer, CA 950	666		ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			04/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) Responsive to communication(s) filed on <u>01 December 2008</u> 2a							
Examiner		Application No.	Applicant(s)				
CONNE P. JOHNSON  Total MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  HIND period for regly is specified above, the maximum shabitory priod to all publy and value 30% (9) MONTHS from the mailing date of this communication.  HIND period for regly is specified above, the maximum shabitory priod to all publy and value 30% (9) MONTHS from the mailing date of this communication.  HIND period for regly is specified above, the maximum shabitory priod to all publy and value 30% (9) MONTHS from the mailing date of this communication.  HIND period for regly is specified above, the maximum shabitory priod to all publy and value on the specification of the part of the communication, event florely find, may reduce any secured patients here adjustment because 37 CFR 1,704(9).  Status  1) M Responsive to communication(s) filed on 01 December 2008.  2a) This action is FINAL.  2b) M This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)		10/814,933	BUCHAN ET AL.				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extraction of them may be available under the provisions of 37 CFR 1.356a), in no worth towerun, may a roby be timely filed.  - Failure to reply a synthetic advo-te the maximum statustry puriod will uply and set doughs KK (9) MONTHS from the mailing date of this communication or reply as soft of the southern depleted tree in depletement. See 37 CFR 1.744b).  Status  1) □ Responsive to communication(s) filed on 01 December 2008.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-3.11.12 and 14-23 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5□ □ Claim(s) 1-3.11.12 and 14-23 is/are rejected.  7□ □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to by the Examiner.  10 □ The specification is objected to by the Examiner.  4) □ The specification is objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  10 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f).  a) □ All by □ Some * C) □ None of:  1.□ □ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ Notice of References Cited (PTO-882)  10 Notice of References Cited (PTO-882)  11 Notice of		CONNIE P. JOHNSON	1795				
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		· <b>—</b>	atent Application				

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### **DETAILED ACTION**

1. In view of the appeal brief filed on 12/1/2008, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795.

# Response to Amendment

2. The remarks and amendment filed 12/1/2008 have been entered and fully

considered.

3. Claims 1-3, 11-12 and 14-23 are presented.

4. Claims 1, 15 and 16 are amended.

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## Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 15 recites, "a cover-tape attached to the cushion layer opposite to the layer of photoresist, the cover-tape being larger in the area than the cushion layer and extending beyond at least first and second edges of the cushion layer." The specification does not disclose the size of the cover-tape nor that the cover-tape is attached to the cushion layer. Therefore, the specification does not disclose sufficient support for the recitation.

Claim 16 recites, "a cover-tape attached to the stiffner layer opposite to the layer of the photoresist." The specification does not disclose that the cover-tape is attached to the stiffner layer. Therefore, the specification does not disclose sufficient support for the recitation.

Claim 17 recites, "at least two photoresist transfer pads attached to the covertape." The specification does not support this limitation. Nowhere in the specification does applicant disclose having "at least two photoresist transfer pads attached to the cover-tape."

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#### **Drawings**

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "37" and "38" have both been used to designate a loaded resist transfer pad. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "37" has been used to designate both loaded resist transfer pad and cover-tape. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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## Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claims 1-3, 11-12 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nuzzo et al., U.S. Patent Publication No. 2005/0199584 A1.

Nuzzo teaches a composition for microfabrication comprising a substrate, silicon oxide layer (stiffener layer), silicon-containing elastomer layer (cushion layer), top silicon-containing elastomer layer (transfer layer) and a photoresist layer (page 4, [0048]). The substate comprises a silicon wafer (page 7, [0066]).

The composition also comprises a transfer pad that is in contact with the siliconcontaining elastomer layer (page 5, [0056]).

A stimulus-responsive adhesive layer is applied between the silicon-containing elastomer layer and the transfer pad. The stimulus-responsive adhesion layer is a "removable attachment" and is representative of a cover-tape (page 4, [0048]).

The top silicon-containing elastomer layer comprises polydimethylsiloxe (PDMS) (page 3, [0036]) and is representative of the cushion layer with a thickness of 10nm-100µm (page 10, [claim 51]).

The top silicon-containing elastomer layer is representative of a transfer layer and has a thickness of 500nm-100µm (page 7, [0064]).

The recitation in claim 15, "for applying photoresist to a surface of a workpiece" is intended use and therefore does not add positive recitation to the claim (MPEP 2106).

Silicon oxide layers are applied on the silicon wafer substrates with a thickness of 2500Å (page 7, [0067]). The silicon oxide layer is representative of a stiffener layer.

Nuzzo does not specifically teach that the silicon-containing elastomer layer includes silicon rubber. However, Nuzzo teaches the silicon-containing elastomer layers may comprise silicon-modified natural rubber as an elastomeric material (page 3, [0036]). Therefore, it would have been obvious to one of ordinary skill in the art to use silicon-modified natural rubber to the silicon-containing elastomer layer because Nuzzo teaches silicon-modified natural rubber as a silicon-containing elastomer to provide flexible support to the top silicon-containing elastomer layer.

### Response to Arguments

10. Applicant's arguments filed 12/1/2008, with respect to the rejection(s) of claim(s) 1-3 and 12 under 103(a), claims 11 and 14-16 under 103(a) and claims 17-23 under 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made herein.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CONNIE P. JOHNSON whose telephone number is (571)272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Connie P. Johnson/ Examiner, Art Unit 1795

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795